

Northrop, Lori

From: Wavrunek, Glenn
Sent: Tuesday, January 27, 2004 1:06 PM
To: LRB.Legal
Subject: Draft review: LRB 03-1804/3 Topic: Public financing of campaigns for certain state offices

It has been requested by <Wavrunek, Glenn> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-1804/3 Topic: Public financing of campaigns for certain state offices



DMS/E
State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1804/12

JTK:kf/AM

wanted TUE 1/13 - AM

2003 BILL

Regen

(regenerate)

1 AN ACT ~~to repeal~~ 11.06 (1) (cm), 11.12 (8), 11.20 (8) (am), 11.21 (15), 11.24 (1w),
2 11.26 (1m), 11.26 (1t), 11.26 (2m), 11.26 (2t), 11.26 (9) (a) 1. to 4., 11.26 (9) (am),
3 11.26 (9) (c), 11.26 (9m), 11.26 (10), 11.26 (13), 11.31 (2) and (2m), 11.31 (3), 11.31
4 (3m), 11.31 (3p), 11.31 (6), 11.50, 20.855 (4) (b), 25.17 (1) (ys) and 71.10 (3); **to**
5 **renumber and amend** 11.12 (6) and 11.26 (9) (a); **to amend** 5.02 (18), 5.62 (1)
6 (a), 5.62 (3), 5.62 (5), 7.70 (3) (e) 1., 8.16 (1), 8.16 (5), 8.35 (4) (b), 8.50 (1) (d), 8.50
7 (3) (b), 10.02 (3) (b) 2m., 10.06 (1) (e), 10.06 (1) (i), 11.06 (1) (a), 11.06 (1) (g), 11.06
8 (1) (jm), 11.16 (5), 11.26 (2) (a), 11.26 (9) (a), 11.26 (9) (b), 11.26 (17) (a), 11.31
9 (title), 11.31 (4), 11.31 (7) (b), 11.31 (7) (c), 11.31 (8), 11.31 (10) and 14.58 (20);
10 **to repeal and recreate** 7.08 (2) (c) and (cm), 8.35 (4) (a) 1. a. and b., 11.01 (4m),
11 11.07 (5), 11.12 (2), 11.12 (6) (a), 11.16 (2), 11.16 (5), 11.19 (1), 11.23 (2), 11.26
12 (8n) (b), 11.26 (10a) (b), 11.26 (17) (a), 11.31 (1) (intro.), 11.31 (9), 11.38 (6),
13 20.510 (1) (q) and 25.42; **to create** 11.01 (11m), 11.12 (6) (b), 11.51, 20.855 (4)
14 (ba) and 25.17 (1) (aw) of the statutes; and **to affect** 2001 Wisconsin Act 109,

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- 1 section 9115 (2y) (b); relating to: public financing of elections for certain state
 2 offices, providing an exemption from emergency rule procedures, granting
 3 rule-making authority, providing a penalty, and making appropriations.

Analysis by the Legislative Reference Bureau

Currently, a candidate for state office other than court of appeals judge, circuit judge, or district attorney may qualify to receive a grant from the Wisconsin election campaign fund for use in an election campaign only. No funding is provided for primary campaigns. In order to qualify for a grant, a candidate must qualify to have his or her name appear on the general or spring election ballot and must have an opponent who qualifies to have his or her name appear on that ballot. In addition, a candidate for a partisan office at the general election must receive at least six percent of the total vote cast on all ballots at the September primary election, and a candidate for a partisan office at a special election must either represent a political party whose candidate for the office that the candidate seeks received at least six percent of the total vote cast for that office at the most recent general election at which the office was contested or must receive at least six percent of the total vote cast for that office at the special election.

Currently, the maximum amount of a grant that a candidate may receive is 45 percent of the disbursement (spending) level or limit for the office that the candidate seeks. This amount is not subject to any cost of living adjustment. In addition, this amount is reduced by the total amount of contributions received by a candidate from committees other than political party or legislative campaign committees and this amount may not be fully funded in a particular year if there are not sufficient moneys in the Wisconsin election campaign fund to provide full financing for all qualifying candidates. Grants may only be used to purchase services from a communications medium, printing, graphic arts, or advertising services, office supplies, or postage. A candidate must agree to abide by disbursement and self-contribution limits in order to receive a grant, but this agreement does not apply if the candidate has an opponent who could have qualified for a grant but declines to do so and declines to file an affidavit of voluntary compliance with disbursement and self-contribution limits. Grant moneys that are not spent by a candidate after the date of an election must be returned by the candidate to the state.

This bill replaces the Wisconsin election campaign fund with a new fund called the clean elections fund. Under the bill, a candidate ^{any state office other than court of appeals judge, circuit judge, or district attorney} ~~for the office of governor, state senator, or representative to the assembly~~ may qualify to receive a grant from the clean elections fund. Separate grants are provided for primary and election campaigns. ~~Candidates for other state offices are not eligible to receive grants.~~ In order to qualify for a grant, a candidate must qualify to have his or her name appear on the ballot at a spring, September, or special primary or a spring, general, or special election for which the grant money will be used. In order to qualify for a grant at a general or ^{partisan} special election, a candidate must also receive at least ~~one~~ ^{one} percent of the

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total vote cast on all ballots for the office that the candidate seeks at the September primary, or at the special primary, if a special primary is held. In addition, a candidate must raise and deposit with the state treasurer a specified number of qualifying contributions in the amount of \$5 each. Each qualifying contribution must be received from an elector of this state and, in the case of a candidate for legislative office, an elector of the district in which the candidate seeks office, and the name and address of the contributor must be reported to the State Elections Board. The number of qualifying contributions ranges from ~~2,500 to 50~~ ^{3,000 to 45}, depending upon the office sought by the candidate. \$15,000

Under the bill, the maximum amount of a grant that a candidate may receive ranges from ~~\$500,000~~ ^{\$1,000,000} in the primary and ~~\$1,000,000~~ ^{\$2,000,000} in the election to ~~\$18,000~~ ^{\$30,000} in the primary and ~~\$36,000~~ ^{\$70,000} in the election, depending upon the office sought by the candidate, except if a candidate has no opponent whose name is certified to appear on the ballot. Under the bill, an unopposed candidate at a primary election receives a grant equal to the average total disbursements made per candidate in primary elections for the office that the candidate seeks during the four-year period preceding the date of the primary election, and an unopposed candidate at a general or special election receives a grant equal to the average total disbursements made per candidate in general and special elections for the office that the candidate seeks during the four-year period preceding the date of the general or special election, except that a candidate for the office of governor receives a grant of \$100,000 for a primary election and \$200,000 for a general or special election. Grant amounts are subject to a biennial cost-of-living adjustment. \$2,000,000

In order to receive a grant, a candidate must affirm that he or she has not accepted and agrees not to accept a contribution from any source other than qualifying contributions or seed money contributions, which may be accepted by a candidate before the candidate qualifies to receive a grant. The total seed money contributions accepted by a candidate from one contributor, including contributions by a candidate to his or her own campaign, may not exceed \$100. The total seed money contributions accepted by a candidate from all contributors range from \$50,000 to \$500, depending upon the office sought by the candidate. A candidate must deposit with the board any unencumbered seed money contributions held by the candidate on the day the candidate receives notification of qualification for a grant. If any person makes an expenditure independently of a candidate or incurs an obligation to make such an expenditure for the purpose of making a mass communication containing a reference to a candidate for ~~the office of governor, state senator, or representative to the assembly~~ within 60 days preceding a primary or election for that office, the person must report that expenditure or obligation to the board. Upon receipt of the report by the board, each candidate who accepts a grant qualifies to receive an additional grant equal to the amount of the independent expenditures and outstanding obligations made in opposition to that candidate or in support of his or her opponent. If a candidate who accepts a grant is opposed by a candidate who does not accept a grant or who violates his or her agreement, any complying candidate for the same office who accepts a grant qualifies to receive an additional grant equal to the amount by which disbursements by the other candidate

A State
office
Other than
the office of
Court of appeals
judge, circuit
judge, or
district
attorney

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a state office other than court
of appeals judge, circuit judge, or
district attorney

exceed the original amount of the grant received by that candidate. The sum of all additional grants made to a single candidate may not exceed 2.5 times the original amount of a candidate's grant. The bill permits grants to be spent for any lawful purpose. To facilitate matching of independent expenditures made and obligations incurred in opposition to a candidate or in support of a candidate's opponent, the bill revises current requirements for individuals and committees making such disbursements to report disbursements exceeding \$20 cumulatively if they are made within 15 days of an election to require, instead, reporting of all independent expenditures and obligations to make such expenditures in support of or in opposition to a candidate for ~~the office of governor, state senator, or representative to the assembly~~ if the expenditures are made or obligations incurred within 60 days of an election.

The bill also deletes the disbursement and self-contribution limitations currently applicable to candidates who accept grants from the Wisconsin election campaign fund, as well as the affidavit of voluntary compliance with those limitations. Under the bill, grant moneys that are not spent by a candidate on the day after an election must be returned by the candidate to the state.

The bill provides that if a candidate does not adhere to the agreement required to obtain a grant, the candidate is subject to a forfeiture (civil penalty) equivalent to the amount of the grant that the candidate received, and in addition may be fined not more than three times the amount of any contributions received by the candidate excluding the amount of any grant and any qualifying or seed money contributions that are permitted to be received under the bill.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 5.02 (18) of the statutes is amended to read:

2 5.02 (18) "September primary" means the primary held the 2nd Tuesday in

3 September to nominate candidates to be voted for at the general election, and to

4 determine which candidates for ~~state offices other than district attorney~~ *restrike - no strike*

5 ~~the offices of governor, state senator, and representative to the assembly~~ may participate in the

6 Wisconsin election campaign receive grants from the clean elections fund.

7 SECTION 2. 5.62 (1) (a) of the statutes is amended to read:

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1 5.62 (1) (a) At September primaries, the following ballot shall be provided for
2 the nomination of candidates of recognized political parties for national, state and
3 county offices and independent candidates for ~~state office~~ the office of governor, state
4 ~~senator, and representative to the assembly~~ in each ward, in the same form as
5 prescribed by the board under s. 7.08 (1) (a), except as authorized in s. 5.655. The
6 ballots shall be made up of the several party tickets with each party entitled to
7 participate in the primary under par. (b) or sub. (2) having its own ballot, except as
8 authorized in s. 5.655. The independent candidates for ~~state office other than district~~
9 ~~attorney~~ the offices of governor, state senator, and representative to the assembly
10 shall have a separate ballot for all such candidates as under s. 5.64 (1) (e), except as
11 authorized in s. 5.655. The ballots shall be secured together at the bottom. The party
12 ballot of the party receiving the most votes for president or governor at the last
13 general election shall be on top with the other parties arranged in descending order
14 based on their vote for president or governor at the last general election. The ballots
15 of parties qualifying under sub. (2) shall be placed after the parties qualifying under
16 par. (b), in the same order in which the parties filed petitions with the board. Any
17 ballot required under par. (b) 2. shall be placed next in order. The ballot listing the
18 independent candidates shall be placed at the bottom. At polling places where voting
19 machines are used, each party and the independent candidates shall be represented
20 in one or more separate columns or rows on the ballot. At polling places where an
21 electronic voting system is used other than an electronic voting machine, each party
22 and the independent candidates may be represented in separate columns or rows on
23 the ballot.

24 SECTION 3. 5.62 (3) of the statutes is amended to read:

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SECTION 3

1 5.62 (3) The board shall designate the official primary ballot arrangement for
2 statewide offices and district attorney within each prosecutorial district by using the
3 same procedure as provided in s. 5.60 (1) (b). On each ballot and on each separate
4 column or row on the ballot, the candidates for office shall be listed together with the
5 offices which they seek in the following order whenever these offices appear on the
6 September primary ballot: governor, lieutenant governor, attorney general,
7 secretary of state, state treasurer, U.S. senator, U.S. representative in congress,
8 state senator, representative to the assembly, district attorney and the county offices.
9 Below the names of the independent candidates for the offices of governor, state
10 senator, and representative to the assembly shall appear the party or principle of the
11 candidates, if any, in 5 words or less, as shown on their nomination papers.

12 SECTION ~~4~~ 5.62 (5) of the statutes is amended to read:

13 5.62 (5) At the September primary, an elector may vote for the candidates of
14 only one party, or the elector may vote for any of the independent candidates for ~~state~~
15 ~~office the offices of governor, state senator, or representative to the assembly~~ listed;
16 but the elector may not vote for more than one candidate for a single office. A space
17 shall be provided on the ballot for an elector to write in the name of his or her choice
18 as a party candidate for any office, including a party candidate of a recognized
19 political party whose name appears on the ballot, column or row designated for
20 independent candidates, as provided in sub. (1) (b) 2. or (2) (b), but no space shall be
21 provided to write in the names of independent candidates.

22 SECTION ~~5~~ 7.08 (2) (c) and (cm) of the statutes, as affected by 2001 Wisconsin
23 Act 109, are repealed and recreated to read:

24 7.08 (2) (c) As soon as possible after the canvass of the ^{spring and} September primary ^{votes} ~~votes~~
25 but no later than the first Tuesday in March and the 4th Tuesday in September,

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1 transmit to the state treasurer a certified list of all eligible candidates for state office
2 who have filed applications under s. 11.51 (7) and whom the board determines to be
3 eligible to receive grants from the clean elections fund. The list shall contain each
4 candidate's name, the mailing address indicated upon the candidate's registration
5 form, the office for which the individual is a candidate and the party or principle
6 which he or she represents, if any.

7 (cm) As soon as possible after the canvass of a special primary, or the date that
8 the primary would be held, if required, transmit to the state treasurer a certified list
9 of all eligible candidates for state office who have filed applications under s. 11.51 (7)
10 and whom the board determines to be eligible to receive a grant from the clean
11 elections fund. The list shall contain each candidate's name, the mailing address
12 indicated upon the candidate's registration form, the office for which the individual
13 is a candidate and the party or principle which he or she represents, if any.

14 SECTION ~~7~~ 7.70 (3) (e) 1. of the statutes is amended to read:

15 7.70 (3) (e) 1. After each September primary and special primary for ^{a partisan state office} ~~the office~~
16 ~~other than the office of district attorney~~
17 ~~of governor, state senator, or representative to the assembly,~~ the name of each
18 candidate not defeated in the primary who receives at least ^{one percent} ~~5%~~ of the total vote cast
19 for all candidates on all ballots at the primary for each separate state office except
20 ^{each state} ~~district attorney~~ ~~the office of governor, state senator, or representative to the~~
21 ~~assembly,~~ ^{other than the office of district attorney} and the percentage of the total vote received by that candidate. Such
22 percentage shall be calculated within each district in the case of legislative
23 candidates.

23 SECTION ~~7~~ 8.16 (1) of the statutes is amended to read:

24 8.16 (1) Except as provided in sub. (2), the person who receives the greatest
25 number of votes for an office on a party ballot at any partisan primary, regardless of

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1 whether the person's name appears on the ballot, shall be the party's candidate for
2 the office, and the person's name shall so appear on the official ballot at the next
3 election. All independent candidates shall appear on the general election ballot or
4 on any special election ballot regardless of the number of votes received by such
5 candidates at the September or at any special primary.

6 SECTION ~~8~~ 8.16 (5) of the statutes is amended to read:

7 8.16 (5) Any candidate for a partisan state office except district attorney
8 ~~or governor, state senator, or representative to the assembly~~ may also qualify for
9 payments a grant under s. ~~11.50~~ 11.51 if the candidate meets the requirements
10 specified in s. ~~11.50~~ 11.51; however, a candidate who qualifies under this section for
11 placement on the official ballot at the general election or a special election shall
12 appear on such ballot regardless of whether he or she qualifies for ~~payments~~ a grant
13 under s. ~~11.50~~ 11.51.

14 SECTION ~~9~~ 8.35 (4) (a) 1. a. and b. of the statutes, as affected by 2001 Wisconsin
15 Act 109, are repealed and recreated to read:

16 8.35 (4) (a) 1. a. If the former candidate was a partisan candidate, donated to
17 the former candidate's local or state political party, or donated to a charitable
18 organization, as instructed by the former candidate or, if the candidate left no
19 instruction, as instructed by the former candidate's next of kin; or

20 b. If the former candidate was a nonpartisan candidate, donated to a charitable
21 organization, as instructed by the former candidate or, if the candidate left no
22 instruction, as instructed by the former candidate's next of kin; or

23 SECTION ~~10~~ 8.35 (4) (b) of the statutes is amended to read:

24 8.35 (4) (b) Notwithstanding par. (a), any unspent and unencumbered moneys
25 received by a candidate from the ~~Wisconsin election campaign~~ clean elections fund

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1 shall be immediately transferred to any candidate who is appointed to replace such
2 candidate, ~~upon filing of a proper application therefor under s. 11.50 (2).~~ If there is
3 no candidate appointed ~~or if no proper application is filed within 7 days of the date~~
4 ~~on which the vacancy occurs,~~ such moneys shall revert to the state as provided in s.
5 11.50 (8).

6 SECTION ~~11.~~ [#] 8.50 (1) (d) of the statutes is amended to read:

7 8.50 (1) (d) When the election concerns a national or state office, the board shall
8 transmit to each county clerk at least 22 days before the special primary a certified
9 list of all persons for whom nomination papers have been filed in its office. If no
10 primary is required, the list shall be transmitted at least 42 days prior to the day of
11 the election. If a special primary for a state office
the assembly is held, the board shall send a certified list of candidates who are
12 eligible to receive grants under s. 11.51 to the state treasurer pursuant to s. 7.08 (2)
13 (cm). Immediately upon receipt of the certified list of candidates from the board, the
14 county clerk shall prepare his or her ballots. For a county special election, the county
15 clerk shall certify the candidates and prepare the ballots. If there is a primary, the
16 county clerk shall publish one type B notice in a newspaper under ch. 10. When a
17 primary is held, as soon as possible after the primary, the county clerk shall certify
18 the candidates and prepare the ballots for the following special election. The clerk
19 shall publish one type B notice in a newspaper under ch. 10 for the election.

20
21 SECTION ~~12.~~ [#] 8.50 (3) (b) of the statutes is amended to read:

22 8.50 (3) (b). Except as otherwise provided in this section, the provisions for
23 September primaries under s. 8.15 are applicable to all partisan primaries held
24 under this section, and the provisions for spring primaries under s. 8.10 are
25 applicable to all nonpartisan primaries held under this section. In a special partisan

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SECTION 12

restore *no strike*

1 primary or election, the order of the parties on the ballot shall be the same as
2 provided under s. 5.62 (1) or 5.64 (1) (b). Independent candidates for state office ~~the~~
3 ~~office of governor, state senator, or representative to the assembly~~ at a special
4 partisan election shall not appear on the primary ballot. No primary is required for
5 a nonpartisan election in which not more than 2 candidates for an office appear on
6 the ballot or for a partisan election in which not more than one candidate for an office
7 appears on the ballot of each recognized political party. In every special election
8 except a special election for nonpartisan state office where no candidate is certified
9 to appear on the ballot, a space for write-in votes shall be provided on the ballot,
10 regardless of whether a special primary is held.

11 SECTION ~~12~~ 10.02 (3) (b) 2m. of the statutes is amended to read:

12 10.02 (3) (b) 2m. At the September primary, the elector shall select the party
13 ballot of his or her choice or the ballot containing the names of the independent
14 candidates for state office ~~the office of governor, state senator, and representative~~
15 ~~to the assembly~~ and make a cross (X) next to or depress the lever or button next to
16 the candidate's name for each office for whom the elector intends to vote or insert or
17 write in the name of the elector's choice for a party candidate, if any. In order to
18 qualify for participation in the Wisconsin election campaign a grant from the clean
19 elections fund, a candidate for state office ~~the office of governor, state senator, or~~
20 ~~representative to the assembly~~ *attorney* at the September primary, other than a candidate for

21 district attorney, or a special primary, if a special primary is held, must receive at
22 least 6% ^{one} percent of all votes cast on all ballots for the office for which he or she is
23 a candidate, in addition to other requirements.

24 SECTION ~~14~~ 10.06 (1) (e) of the statutes, as affected by 2003 Wisconsin Act 24,
25 is amended to read:

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1 10.06 (1) (e) As soon as possible following the state canvass of the spring
2 primary vote, but no later than the first Tuesday in March, the board shall send a
3 type B notice certifying to each county clerk the list of candidates for the spring
4 election. When no state spring primary is held or when the only primary held is the
5 presidential preference primary, this notice shall be sent under par. (c). The board
6 shall also in any case send a certified list of candidates under s. ~~11.50~~ 11.51 to the
7 state treasurer pursuant to s. 7.08 (2) (c). When there is a referendum, the board
8 shall send type A and C notices certifying each question to the county clerks as soon
9 as possible, but no later than the first Tuesday in March.

10 ~~SECTION 10.~~ 10.06 (1) (i) [✓] of the statutes is amended to read:

11 10.06 (1) (i) As soon as possible after the state canvass, but no later than the
12 4th Tuesday in September, the board shall send a type B notice certifying the list of
13 candidates and type A and C notices certifying each question for any referendum to
14 each county clerk for the general election and a certified list of candidates under s.
15 ~~11.50~~ 11.51 to the state treasurer pursuant to s. 7.08 (2) (c).

16 ~~SECTION 10.~~ 11.01 (4m) [✓] of the statutes, as created by 2001 Wisconsin Act 109,
17 is repealed and recreated to read:

18 11.01 (4m) "Communication" means a message transmitted by means of a
19 printed advertisement, billboard, handbill, sample ballot, radio or television
20 advertisement, telephone call, or any medium that may be utilized for the purpose
21 of disseminating or broadcasting a message, but not including a poll conducted solely
22 for the purpose of identifying or collecting data concerning the attitudes or
23 preferences of electors.

24 ~~SECTION 11.~~ 11.01 (11m) [✓] of the statutes is created to read:

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SECTION 17

11.01 (11m) "Independent expenditure" means an expenditure made for the purpose of making a communication that is made during the 60-day period preceding any ^{Spring} September, or special primary election for ^{a state} the office of governor, state senator, ^{other than the office of court of appeals, judge, circuit judge, or district attorney} representative to the assembly, and the date of the general or special election following that primary election, or if no ~~special~~ primary election for the office of state senator or representative to the assembly is held, during the 60-day period preceding ^{an} ~~a~~ special election for ^{such an office} ~~one of those offices~~, that contains a reference to a clearly identified candidate for ^{such an office} ~~the office of governor, state senator, or representative to the assembly~~ at that election; that is made without cooperation or consultation with such a candidate, or any authorized committee or agent of such a candidate; and that is not made in concert with, or at the request or suggestion of, such a candidate, or any authorized committee or agent of such a candidate.

SECTION ~~18~~ ¹⁶ 11.06 (1) (a) of the statutes is amended to read:

11.06 (1) (a) Except as required under s. 11.51 (2), an itemized statement giving the date, full name and street address of each contributor who has made a contribution in excess of \$20, or whose contribution if \$20 or less aggregates more than \$20 for the calendar year, together with the amount of the contribution and the cumulative total contributions made by that contributor for the calendar year.

SECTION ~~18~~ ¹⁶ 11.06 (1) (cm) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION ~~20~~ ²⁰ 11.06 (1) (g) of the statutes is amended to read:

11.06 (1) (g) Except as required under s. 11.51 (9), an itemized statement of every disbursement exceeding \$20 in amount or value, together with the name and address of the person to whom the disbursement was made, and the date and specific purpose for which the disbursement was made.

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1 SECTION ~~21~~[#] 11.06 (1) (j[✓]m) of the statutes is amended to read:

2 11.06 (1) (jm) A copy of any separate schedule prepared or received pursuant
3 to an escrow agreement under s. 11.16 (5). ~~A candidate or personal campaign~~
4 ~~committee receiving contributions under such an agreement and attaching a~~
5 ~~separate schedule under this paragraph may indicate the percentage of the total~~
6 ~~contributions received, disbursements made and exclusions claimed under s. 11.31~~
7 ~~(6) without itemization, except that amounts received from any contributor pursuant~~
8 ~~to the agreement who makes any separate contribution to the candidate or personal~~
9 ~~campaign committee during the calendar year of receipt as indicated in the schedule~~
10 ~~shall be aggregated and itemized if required under par. (a) or (b).~~

11 SECTION ~~22~~[#] 11.07 (5) [✓] of the statutes, as affected by 2001 Wisconsin Act 109,
12 is repealed and recreated to read:

13 11.07 (5) Any campaign treasurer or individual who knowingly receives a
14 contribution made by an unregistered nonresident in violation of this section may
15 not use or expend such contribution but shall immediately return it to the source or
16 at the option of the campaign treasurer or individual, donate the contribution to a
17 charitable organization or to the common school fund.

18 SECTION ~~23~~[#] 11.12 (2) [✓] of the statutes, as affected by 2001 Wisconsin Act 109,
19 is repealed and recreated to read:

20 11.12 (2) Any anonymous contribution exceeding \$10 received by a campaign
21 or committee treasurer or by an individual under s. 11.06 (7) may not be used or
22 expended. The contribution shall be donated to the common school fund or to any
23 charitable organization, at the option of the treasurer.

24 SECTION ~~24~~[#] 11.12 (6) of the statutes is renumbered 11.12 (6) (a) and amended
25 to read:

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SECTION 24

1 11.12 (6) (a) If any disbursement of more than \$20 cumulatively is made to
2 advocate the election or defeat of a clearly identified candidate by an individual or
3 committee later than 15 days prior to a primary or election in which the candidate's
4 name appears on the ballot without cooperation or consultation with a candidate or
5 agent or authorized committee of a candidate who is supported or opposed, and not
6 in concert with or at the request or suggestion of such a candidate, agent, or
7 committee, the individual or treasurer of the committee shall, within 24 hours of
8 making the disbursement, inform the appropriate filing officer of the information
9 required under s. 11.06 (1) in such manner as the board may prescribe. The
10 information shall also be included in the next regular report of the individual or
11 committee under s. 11.20. For purposes of this ~~subsection~~ paragraph, disbursements
12 cumulate beginning with the day after the last date covered on the preprimary or
13 preelection report and ending with the day before the primary or election. Upon
14 receipt of a report under this ~~subsection~~ paragraph, the filing officer shall, within 24
15 hours of receipt, mail a copy of the report to all candidates for any office in support
16 of or opposition to one of whom a disbursement identified in the report is made. This
17 paragraph does not apply to any disbursement that is required to be reported as an
18 independent expenditure under par. (b).

19 ~~SECTION 24.~~ [#] 11.12 (6) (a) of the statutes, as affected by 2001 Wisconsin Act 109,
20 is repealed and recreated to read:

21 11.12 (6) (a) Except as otherwise provided in this paragraph, if any individual
22 or committee incurs one or more obligations or makes one or more disbursements in
23 an amount exceeding \$250 cumulatively to advocate the election or defeat of a clearly
24 identified candidate later than 15 days prior to a primary or election in which the
25 candidate's name appears on the ballot without cooperation or consultation with a

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1 candidate or agent or authorized committee of a candidate who is supported or
2 opposed, and not in concert with or at the request or suggestion of such a candidate,
3 agent or committee, the individual or treasurer of the committee shall, within 24
4 hours after incurring the obligation or making the disbursement, inform the
5 appropriate filing officer. The report shall include the information required under
6 s. 11.06 (1) and shall be made in such manner as the board may prescribe. For
7 purposes of this paragraph, obligations and disbursements cumulate beginning with
8 the day after the last date covered on the preprimary or preelection report and ending
9 with the day before the primary or election and disbursements made for the purpose
10 of payment of obligations that were previously reported are not included in
11 determining the cumulative amount of obligations and disbursements. Upon receipt
12 of a report identifying any obligation or disbursement under this paragraph, the
13 filing officer shall, within 24 hours of receipt, mail a copy of the report to all
14 candidates for any office in support of or opposition to one of whom an obligation is
15 incurred or a disbursement is made.. This paragraph does not apply to
16 disbursements or obligations required to be reported under par. (am) or to an
17 individual or committee that is required to file daily reports under s. 11.21 (16). This
18 paragraph does not apply to any disbursement that is required to be reported as an
19 independent expenditure under par. (b).

20 SECTION ~~26~~[✓] 11.12 (6) (b) of the statutes is created to read:

21 11.12 (6) (b) 1. If any person makes an independent expenditure or incurs an
22 obligation to make an independent expenditure, the person shall, within 24 hours
23 of making the independent expenditure or incurring the obligation to make the
24 independent expenditure, report to the board the information required under this
25 paragraph in such manner as the board may prescribe.

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2. Each report under this paragraph shall contain the following information:

a. The name of each candidate who is identified in each communication financed with the independent expenditure or obligation.

b. A statement as to whether the communication is intended to support or oppose that candidate.

c. The total amount or value of the independent expenditure or obligation and the cumulative independent expenditures made and obligations to make independent expenditures incurred by the person with respect to that election.

3. If the person is a registrant, the person shall also include the information reported under subd. 2. in the next regular report of the person under s. 11.20. Upon receipt of a report under this paragraph, the board shall, within 24 hours of receipt, mail a copy of the report to all candidates for any office in support of or opposition to one of whom an independent expenditure or obligation identified in the report is made.

SECTION ~~27~~ 11.12 (8) of the statutes, as created by 2001 Wisconsin Act 109, is repealed.

SECTION ~~28~~ 11.16 (2) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.16 (2) LIMITATION ON CASH CONTRIBUTIONS. Every contribution of money exceeding \$50 shall be made by negotiable instrument or evidenced by an itemized credit card receipt bearing on the face the name of the remitter. No treasurer may accept a contribution made in violation of this subsection. The treasurer shall promptly return the contribution, or donate the contribution to the common school fund or to a charitable organization, in the event that the donor cannot be identified.

SECTION ~~29~~ 11.16 (5) of the statutes is amended to read:

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1 11.16 (5) ESCROW AGREEMENTS. Any personal campaign committee, political
2 party committee or legislative campaign committee may, pursuant to a written
3 escrow agreement with more than one candidate, solicit contributions for and
4 conduct a joint fund raising effort or program on behalf of more than one named
5 candidate. The agreement shall specify the percentage of the proceeds to be
6 distributed to each candidate by the committee conducting the effort or program.
7 The committee shall include this information in all solicitations for the effort or
8 program. All contributions received and disbursements made by the committee in
9 connection with the effort or program shall be received and disbursed through a
10 separate depository account under s. 11.14 (1) that is identified in the agreement.
11 For purposes of s. 11.06 (1), the committee conducting the effort or program shall
12 prepare a schedule in the form prescribed by the board supplying all required
13 information under s. 11.06 (1) ~~and items qualifying for exclusion under s. 11.31 (6)~~
14 for the effort or program, and shall transmit a copy of the schedule to each candidate
15 who receives any of the proceeds within the period prescribed in s. 11.06 (4) (c).

16 ~~SECTION 30.~~ [#] 11.16^v (5) of the statutes, as affected by 2001 Wisconsin Act 109,
17 is repealed and recreated to read:

18 11.16 (5) ESCROW AGREEMENTS. Any personal campaign committee or political
19 party committee may, pursuant to a written escrow agreement with more than one
20 candidate, solicit contributions for and conduct a joint fund raising effort or program
21 on behalf of more than one named candidate. The agreement shall specify the
22 percentage of the proceeds to be distributed to each candidate by the committee
23 conducting the effort or program. The committee shall include this information in
24 all solicitations for the effort or program. All contributions received and
25 disbursements made by the committee in connection with the effort or program shall

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1 be received and disbursed through a separate depository account under s. 11.14 (1)
2 that is identified in the agreement. For purposes of s. 11.06 (1), the committee
3 conducting the effort or program shall prepare a schedule in the form prescribed by
4 the board supplying all required information under s. 11.06 (1) for the effort or
5 program, and shall transmit a copy of the schedule to each candidate who receives
6 any of the proceeds within the period prescribed in s. 11.06 (4) (c).

7 SECTION ~~31~~[#] 11.19 (1) of the statutes, as affected by 2001 Wisconsin Act 109,
8 is repealed and recreated to read:

9 11.19 (1) Whenever any registrant disbands or determines that obligations will
10 no longer be incurred, and contributions will no longer be received nor disbursements
11 made during a calendar year, and the registrant has no outstanding incurred
12 obligations, the registrant shall file a termination report with the appropriate filing
13 officer. Such report shall indicate a cash balance on hand of zero at the end of the
14 reporting period and shall indicate the disposition of residual funds. Residual funds
15 may be used for any political purpose not prohibited by law, returned to the donors
16 in an amount not exceeding the original contribution, or donated to a charitable
17 organization or the common school fund. The report shall be filed and certified as
18 were previous reports, and shall contain the information required by s. 11.06 (1). A
19 registrant to which s. 11.055 (1) applies shall pay the fee imposed under that
20 subsection with a termination report filed under this subsection. If a termination
21 report or suspension report under sub. (2) is not filed, the registrant shall continue
22 to file periodic reports with the appropriate filing officer, no later than the dates
23 specified in s. 11.20 and, if the registrant files reports under s. 11.21 (16), no later
24 than the times specified in s. 11.21 (16). This subsection does not apply to any
25 registrant making an indication under s. 11.06 (2m).

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1 SECTION ~~32~~[#] 11.20 (8) ✓ (am) of the statutes, as created by 2001 Wisconsin Act
2 109, is repealed.

3 SECTION ~~33~~[#] 11.21 (15) ✓ of the statutes, as affected by 2001 Wisconsin Act 109,
4 is repealed.

5 SECTION ~~34~~[#] 11.23 (2) ✓ of the statutes, as affected by 2001 Wisconsin Act 109,
6 is repealed and recreated to read:

7 11.23 (2) Any anonymous contribution exceeding \$10 received by an individual
8 or group treasurer may not be used or expended. The contribution shall be donated
9 to the common school fund or to any charitable organization, at the option of the
10 treasurer.

11 SECTION ~~35~~[#] 11.24 (1w) ✓ of the statutes, as created by 2001 Wisconsin Act 109,
12 is repealed.

13 SECTION ~~36~~[#] 11.26 (1m) ✓ of the statutes, as created by 2001 Wisconsin Act 109,
14 is repealed.

15 SECTION ~~37~~[#] 11.26 (1t) ✓ of the statutes, as created by 2001 Wisconsin Act 109,
16 is repealed.

17 SECTION ~~38~~[#] 11.26 (2) (a) of the statutes is amended to read:

18 11.26 (2) (a) Candidates for governor, lieutenant governor, secretary of state,
19 state treasurer, attorney general, state superintendent or justice, 4% of the value of
20 the disbursement level specified in the schedule under s. 11.31 (1), as adjusted under
21 s. 11.31 (9).

22 SECTION ~~39~~[#] 11.26 (2m) ✓ of the statutes, as created by 2001 Wisconsin Act 109,
23 is repealed.

24 SECTION ~~40~~[#] 11.26 (2t) ✓ of the statutes, as created by 2001 Wisconsin Act 109,
25 is repealed.

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SECTION 41

1 SECTION ~~41~~ 11.26 (8n) [✓](b) of the statutes, as created by 2001 Wisconsin Act 109,
2 is repealed and recreated to read:

3 11.26 (8n) (b) A political party that receives and accepts a contribution under
4 par. (a) shall maintain 2 segregated accounts, one designated as a "Section 11.26 (8n)
5 Senate Account" and one designated as a "Section 11.26 (8n) Assembly Account." The
6 political party shall deposit one-half of each contribution received and accepted
7 under par. (a) in each account. Contributions deposited in the senate account may
8 be disbursed only for the purpose of making contributions to candidates for the office
9 of state senator that the candidates are authorized to receive and accept under sub.
10 (9). Contributions deposited in the assembly account may be disbursed only for the
11 purpose of making contributions to candidates for the office of representative to the
12 assembly that the candidates are authorized to receive and accept under sub. (9).

13 SECTION ~~42~~ 11.26 (9) (a) of the statutes is amended to read:

14 11.26 (9) (a) No individual who is a candidate for state or local office may receive
15 and accept more than 65% of the value of the total disbursement level determined
16 under s. 11.31 (1), adjusted as provided under s. 11.31 (9), for the office for which he
17 or she is a candidate during any primary and election campaign combined from all
18 committees subject to a filing requirement, including political party and legislative
19 campaign committees.

20 SECTION ~~43~~ 11.26 (9) [✓](a) of the statutes, as affected by 2001 Wisconsin Act 109,
21 is renumbered 11.26 (9) and amended to read:

22 11.26 (9) ~~Except as provided in sub. (9m),~~ No individual who is a candidate for
23 state or local office may receive and accept more than 65% of the value of the total
24 disbursement level determined under s. 11.31 (1), adjusted as provided under s.
25 11.31 (9), for the office for which he or she is a candidate during any primary and

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1 election campaign combined from all committees subject to a filing requirement,
2 including political party committees, ~~except as follows:~~

3 SECTION ~~44~~ 11.26 (9) (a) 1. [✓] to 4. of the statutes, as created by 2001 Wisconsin
4 Act 109, are repealed.

5 SECTION ~~45~~ 11.26 (9) (am) [✓] of the statutes, as created by 2001 Wisconsin Act
6 109, is repealed.

7 SECTION ~~46~~ 11.26 (9) (b) [✓] of the statutes is amended to read:

8 11.26 (9) (b) No individual who is a candidate for state or local office may receive
9 and accept more than 45% of the value of the total disbursement level determined
10 under s. 11.31 (1), adjusted as provided under s. 11.31 (9), for the office for which he
11 or she is a candidate during any primary and election campaign combined from all
12 committees other than political party and legislative campaign committees subject
13 to a filing requirement. [✓]

14 SECTION ~~47~~ 11.26 (9) (c) [✓] of the statutes is repealed.

15 SECTION ~~48~~ 11.26 (9m) [✓] of the statutes, as created by 2001 Wisconsin Act 109,
16 is repealed.

17 SECTION ~~49~~ 11.26 (10) [✓] of the statutes, as affected by 2001 Wisconsin Act 109,
18 is repealed.

19 SECTION ~~50~~ 11.26 (10a) (b) [✓] of the statutes, as created by 2001 Wisconsin Act
20 109, is repealed and recreated to read:

21 11.26 (10a) (b) The dollar amounts of the limitations under subs. (1), (2), (4),
22 (8), and (8n) are subject to a biennial adjustment to be determined by rule of the board
23 in accordance with this subsection. To determine the adjustment, the board shall,
24 in each year that the adjustment is made, calculate the percentage difference
25 between the consumer price index for the 12-month period ending on December 31

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1 of the preceding year and the consumer price index for calendar year 2003.
2 Beginning in 2006 and every 2 years thereafter, the board shall multiply the amount
3 of each limitation under subs. (1), (2), (4), (8), and (8n) by the percentage difference
4 in the consumer price indexes. The board shall then add that product to the
5 applicable limitation under subs. (1), (2), (4), (8), and (8n), round each sum to the
6 nearest multiple of \$5, and adjust the amount of each limitation to substitute the
7 resulting amount. The amount so determined shall then be in effect until a
8 subsequent rule is promulgated under this subsection. Notwithstanding s. 227.24
9 (1) (a), (2) (b), and (3), determinations under this subsection may be promulgated as
10 an emergency rule under s. 227.24 without providing evidence that the emergency
11 rule is necessary for the public peace, health, safety, or welfare and without a finding
12 of emergency.

13 SECTION ~~51~~[#] 11.26 (13) of the statutes is repealed. ✓

14 SECTION ~~52~~[#] 11.26 (17) (a) of the statutes is amended to read: ✓

15 11.26 (17) (a) For purposes of application of the limitations imposed in subs.
16 (1), (2), and (9) ~~and (10)~~, the "campaign" of a candidate begins and ends at the times
17 specified in this subsection.

18 SECTION ~~53~~[#] 11.26 (17) (a) of the statutes, as affected by 2001 Wisconsin Act ✓
19 109, is repealed and recreated to read:

20 11.26 (17) (a) For purposes of application of subs. (1), (2), and (9), the
21 "campaign" of a candidate begins and ends at the times specified in this subsection.

22 SECTION ~~54~~[#] 11.31 (title) of the statutes is amended to read: ✓

23 11.31 (title) **Disbursement levels and limitations; calculation.** ✓

24 SECTION 55. 11.31 (1) (intro.) of the statutes, as affected by 2001 Wisconsin Act
25 109, is repealed and recreated to read:

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1 11.31 (1) SCHEDULE. (intro.) The following levels of disbursements are
2 established with reference to the candidates listed below. The levels are subject to
3 adjustment under sub. (9). The levels do not operate to restrict the total amount of
4 disbursements which are made or authorized to be made by any candidate in any
5 primary or other election.

6 SECTION ~~56~~ 11.31 (2) and (2m) of the statutes, as affected by 2001 Wisconsin
7 Act 109, are repealed.

8 SECTION ~~57~~ 11.31 (3) of the statutes, as affected by 2001 Wisconsin Act 109,
9 is repealed.

10 SECTION ~~58~~ 11.31 (3m) of the statutes is repealed.

11 SECTION ~~59~~ 11.31 (3p) of the statutes, as created by 2001 Wisconsin Act 109,
12 is repealed.

13 SECTION ~~60~~ 11.31 (4) of the statutes is amended to read:

14 11.31 (4) ALLOCATION. ~~Except as provided in sub. (3m), whenever~~ Whenever a
15 separate disbursement level is specified for a primary and election under sub. (1), a
16 candidate who disburses less than the authorized level in the primary may not
17 reallocate the balance to increase the level in the election. Whenever a separate
18 disbursement level is not specified for a primary and election under sub. (1), a
19 candidate may allocate disbursements between the primary and election campaign
20 within the total level of disbursements specified in sub. (1) in any proportion desired,
21 and may carry over unexpended contributions from a primary campaign to an
22 election campaign.

23 SECTION ~~61~~ 11.31 (6) of the statutes is repealed.

24 SECTION ~~62~~ 11.31 (7) (b) of the statutes is amended to read:

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1 11.31 (7) (b) Disbursements which are made before a campaign period for goods
2 to be delivered or services to be rendered in connection with the campaign are
3 charged against the disbursement limitation level for that campaign.

4 ~~SECTION 63.~~ 11.31 (7) [✓](c) of the statutes is amended to read:

5 11.31 (7) (c) Disbursements which are made after a campaign to retire a debt
6 incurred in relation to a campaign are charged against the disbursement limitation
7 level for that campaign.

8 ~~SECTION 64.~~ 11.31 [✓](8) of the statutes is amended to read:

9 11.31 (8) CERTAIN CONTRIBUTIONS EXCLUDED. The ~~limitations imposed levels~~
10 specified under this section do not apply to a gift of anything of value constituting
11 a contribution made directly to a registrant by another, but the ~~limitations levels~~
12 shall apply to such gift when it is received and accepted by the recipient or, if received
13 in the form of money, when disbursed.

14 ~~SECTION 65.~~ 11.31 [✓](9) of the statutes, as created by 2001 Wisconsin Act 109, is
15 repealed and recreated to read:

16 11.31 (9) ADJUSTMENT OF DISBURSEMENT LEVELS. (a) In this subsection,
17 "consumer price index" means the average of the consumer price index over each
18 12-month period, all items, U.S. city average, as determined by the bureau of labor
19 statistics of the U.S. department of labor.

20 (b) The dollar amounts of the levels specified in sub. (1) are subject to a biennial
21 adjustment to be determined by rule of the board in accordance with this paragraph.
22 To determine the adjustment, the board shall, in each year that the adjustment is
23 made, calculate the percentage difference between the consumer price index for the
24 12-month period ending on December 31 of the preceding year and the consumer
25 price index for calendar year 2005. For each biennium, the board shall multiply the

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1 amount of each level specified under sub. (1) by the percentage difference in the
2 consumer price indexes. The board shall then add that product to the applicable level
3 under sub. (1), round each sum to the nearest multiple of \$5, and adjust the amount
4 of each level to substitute the resulting amount. The amount so determined shall
5 then be in effect until a subsequent rule is promulgated under this paragraph.
6 Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), determinations under this
7 paragraph may be promulgated as an emergency rule under s. 227.24 without
8 providing evidence that the emergency rule is necessary for the public peace, health,
9 safety, or welfare and without a finding of emergency.

10 SECTION ~~66~~[#] 11.31 (10)[✓] of the statutes is amended to read:

11 11.31 (10) SURPLUS MATERIALS EXCLUDED. Disbursements constituting surplus
12 materials acquired in connection with a previous campaign of a candidate are not
13 ~~subject to limitation by~~ included in the levels specified in this section, if the materials
14 were previously reported as a disbursement by that candidate.

15 SECTION ~~67~~[#] 11.38 (6)[✓] of the statutes, as affected by 2001 Wisconsin Act 109,
16 is repealed and recreated to read:

17 11.38 (6) Any individual or campaign treasurer who receives funds in violation
18 of this section shall promptly return such funds to the contributor, or donate the
19 funds to the common school fund or a charitable organization, at the individual's or
20 treasurer's option.

21 SECTION ~~68~~[#] 11.50[✓] of the statutes, as affected by 2001 Wisconsin Act 109, is
22 repealed.

23 SECTION ~~69~~[#] 11.51[✓] of the statutes is created to read:

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SECTION 69

11.51 Clean elections fund grants. (1) Any candidate for ^{a state office} ~~the office of~~ ^{other than the office of court of appeals judge, circuit judge, or district attorney} ~~governor, state senator, or representative to the assembly~~ may qualify to receive a grant from the clean elections fund by fulfilling the requirements of this section. ^{whose name is certified under}

(2) (a) In order to qualify to receive a grant from the clean elections fund, a candidate shall obtain and deposit with the state treasurer the number of qualifying contributions specified in this subsection, in the amount of \$5 each, each of which shall be received from an elector of this state and, in the case of a candidate for legislative office, an elector of the district in which the candidate seeks office. The name and address of each elector making a qualifying contribution shall be identified in a report filed with the board as provided in s. 11.06 (1) (a). The number of required qualifying contributions for a candidate for each office is:

1. Governor, ~~2,500~~ ^{3,000}

2. State senator, ~~150~~ ⁹⁰

3. Representative to the assembly, ~~50~~ ⁴⁵

(b) In addition to the requirements imposed under par. (a), a candidate does not qualify to receive a grant for a general or ^{partisan} special election unless the candidate receives at least ^{one} ~~1~~ percent of the total vote cast for all candidates on all ballots for the same office at the September primary, or at a special primary if a special primary is held.

(3) Prior to notification that a candidate has qualified to receive a grant from the clean elections fund under sub. (7), a candidate may accept seed money contributions from individuals. The total seed money contributions accepted by a candidate from one contributor, including any seed money contributions made by a candidate to his or her own campaign, may not exceed \$100. The total seed money contributions accepted by a candidate during the candidate's campaign, as defined

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is certified under s. 7.08 (2)(a) or 8.50 (1)(d) to appear on the ballot at an election

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1 in s. 11.26 (17), may not exceed, in the aggregate, the following amount for the office
2 sought by candidate:

3 (a) Governor, \$50,000.

4 (b) State senator, \$1,500.

5 (c) Representative to the assembly, \$500.

6 (4) A contributor who makes a qualifying contribution may also make a seed
7 money contribution in the full amount authorized under sub. (3).

8 (5) A candidate shall remit to the state treasurer all seed money contributions
9 received by the candidate that are unencumbered on the day the candidate receives
10 notification of qualification for a grant under sub. (7). The state treasurer shall
11 deposit all seed money contributions received under this subsection in the clean
12 elections fund.

13 (6) No candidate who accepts a grant from the clean elections fund ^{shall not} ~~may~~ accept
14 any seed money contribution under sub. (3) after receiving notification of
15 qualification for a grant under sub. (7).

16 (7) In order to qualify to receive a grant from the clean elections fund, a
17 candidate shall file an application with the board, no later than a time specified by
18 the board by rule, in which the candidate shall affirm that he or she has not accepted
19 and agrees not to accept a contribution from any source other than a contribution
20 required under sub. (2), a contribution authorized under sub. (3), and the candidate's
21 grant from the clean elections fund during the campaign of the candidate, as defined
22 in s. 11.31 (7). If the candidate desires to receive grant payments by electronic
23 transfer, the candidate shall include in his or her application sufficient information
24 and authorization for the state treasurer to transfer payments to his or her campaign

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SECTION 69

depository account. The board shall notify each candidate who qualifies to receive a grant from the clean elections fund as promptly as possible following qualification.

(8) (a) The board shall distribute primary election grants from the clean elections fund to each candidate who qualifies to receive a grant under this section as soon as possible preceding the date that the primary election is held for the office which the candidate seeks or the date on which the primary election would be held if a primary election were required to be held.

(b) The board shall distribute grants for the ^{Spring,} ~~general~~ ^{and any} ~~or~~ special election from the clean elections fund to each candidate who qualifies to receive a grant under this section as soon as possible after the date of the primary election for the office sought by the candidate, or the date on which the primary election would be held if a primary election were required to be held, except that, in the case of a candidate of a recognized political party for a partisan office, the board shall distribute a grant to a candidate for an office for which a primary election was held only if the candidate was nominated at that election.

(9) A candidate who receives a grant from the clean elections fund shall file with the board reports of all disbursements made in the manner provided under s. 11.06 (1) (g), without regard to the amounts thereof.

(10) (a) Except as provided in par. (b) and subs. (11) to (13), a candidate who qualifies to receive a grant from the clean elections fund under this section shall receive a grant in the following amount for the office sought by the candidate and for the election specified, less the aggregate amount of contributions accepted by the candidate under sub. (3):

24

25

Office

Primary

Election

^{Spring,}
~~General~~ or

Special Election

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1. Governor
 2. State senator
 3. Representative to the assembly

\$1,000,000
 \$500,000
 30,000
 36,000
 15,000
 18,000

\$2,000,000
 \$1,000,000
 60,000
 72,000
 20,000
 36,000

(b) If a candidate does not have an opponent who has qualified to have his or her name appear on the ballot at the election for which a grant is to be applied, the candidate shall receive a grant for a primary election equal to the average total disbursements made per candidate in primary election campaign periods, as determined by the board from reports filed by or on behalf of those candidates in accordance with s. 11.31 (5), for the office that the candidate seeks during the 4-year period preceding the date of the primary election, or a grant for a ^{Spring} general or special election equal to the average total disbursements made per candidate in general and special election campaign periods, as determined by the board from reports filed by or on behalf of those candidates in accordance with s. 11.31 (5), for the office that the candidate seeks during the 4-year period preceding the date of the ^{Spring} general or special election, except that a candidate for the office of governor shall receive a grant of \$100,000 for a primary election and a grant of \$200,000 for a general ~~or special~~ election.

(11) (a) In this subsection, "consumer price index" means the average of the consumer price index over each 12-month period, all items, U.S. city average, as determined by the bureau of labor statistics of the U.S. department of labor.

(b) The dollar amounts of the grants specified in sub. (10) (a) and the grants specified for the office of governor in sub. (10) (b) are subject to a biennial cost-of-living adjustment to be determined by rule of the board in accordance with this paragraph. To determine the adjustment, the board shall, as soon as possible after the end of each odd-numbered year, calculate the percentage difference

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1 between the consumer price index for the 12-month period ending on December 31
2 of the preceding year and the consumer price index for calendar year 2005. For each
3 biennium, the board shall multiply the amount of each grant specified in sub. (10)
4 by the percentage difference in the consumer price indexes. The board shall then add
5 that product to the applicable grant amount under sub. (10), round each sum to the
6 nearest multiple of \$5, and adjust the amount of each grant to substitute the
7 resulting amount. The amount so determined shall then be in effect until a
8 subsequent rule is promulgated under this paragraph. Notwithstanding s. 227.24
9 (1) (a), (2) (b), and (3), determinations under this paragraph may be promulgated as
10 an emergency rule under s. 227.24 without providing evidence that the emergency
11 rule is necessary for the public peace, health, safety, or welfare, and without a finding
12 of emergency.

13 (12) If any independent expenditure is made or any obligation to make an
14 independent expenditure is incurred by any person in opposition to a candidate who
15 receives a grant from the clean elections fund or in support of an opponent of such
16 a candidate whose name is certified to appear on the same ballot, then the candidate
17 who receives a grant shall receive an additional grant in the total amount of the
18 obligations incurred and the independent expenditures made that were not
19 previously reported as obligations, as reported to the appropriate filing officer under
20 s. 11.12 (6) (b), but not to exceed, in combination with any additional grant payable
21 to that candidate under sub. (13), 2.5 times the amount payable to the candidate
22 under sub. (10), as adjusted under sub. (11).

23 (13) If a candidate who receives a grant from the clean elections fund is opposed
24 on a primary or election ballot by another candidate who does not receive a grant or
25 by another candidate who the board determines has violated his or her agreement

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under sub. (7), the candidate who receives a grant shall receive an additional grant in the amount by which the disbursements made by the other candidate exceed the amount of the grant payable for the office sought by the candidate in that election under sub. (10), as adjusted under sub. (11), but not to exceed, in combination with any additional grant payable to that candidate under sub. (12), 2.5 times the amount payable to the candidate under sub. (10), as adjusted under sub. (11). If a candidate who receives a grant from the clean elections fund is opposed on a primary or election ballot by more than one candidate who does not receive a grant or who the board determines has violated his or her agreement under sub. (7), the amount of the grant payable under this subsection is the largest amount that would be payable by reason of any candidate's opposition.

(14) If a candidate who makes an agreement under sub. (7) does not adhere to the agreement, the candidate shall forfeit an amount equivalent to any grant from the clean elections fund that is provided to the candidate and the candidate may be fined not more than 3 times the amount of any contributions received by the candidate in his or her campaign, as defined in s. 11.26 (17), exclusive of the amount of any grant or any contributions deposited under sub. (2) or received under sub. (3).

(15) No later than ^{the first day of the first month beginning at least 15 days after an election at which a candidate receives a grant from the clean elections fund} ~~December 1 of each even-numbered year, a candidate who~~ received a grant from the clean elections fund in that year or the preceding year shall return to the state treasurer ^{any} the amount of ^{the} ~~any~~ grant remaining in the candidate's campaign depository account.

(16) The board may promulgate rules required to implement this section.

SECTION 70. 14.58 (20) of the statutes is amended to read:

, except that a candidate who receives a grant at a primary election need not return any amount under this subsection if the candidate qualifies to receive a grant at the succeeding spring, general, or special election

at which a candidate receives a grant from the clean elections fund, the candidate

BILL

SECTION 70

CLEAN ELECTIONS!

1 14.58 (20) ~~ELECTION CAMPAIGN~~ FUND. Make disbursements to each candidate
2 certified under s. 7.08 (2) (c) or (cm) by the elections board as eligible to receive
3 moneys a grant from the Wisconsin ~~election campaign~~ clean elections fund.

4 SECTION 71. 20.510 (1) (q) of the statutes, as affected by 2001 Wisconsin Act
5 109, is repealed and recreated to read:

6 20.510 (1) (q) *Clean elections fund grants.* From the clean elections fund, a sum
7 sufficient to make the grants to candidates required under s. 11.51.

8 SECTION 72. 20.855 (4) (b) of the statutes is repealed.

9 SECTION 73. 20.855 (4) (ba) of the statutes is created to read:

10 20.855 (4) (ba) *Clean elections fund supplement.* A sum sufficient equal to the
11 amounts required to make the grants to candidates required under s. 11.51, to be
12 transferred to the clean elections fund.

13 SECTION 74. 25.17 (1) (aw) of the statutes is created to read:

14 25.17 (1) (aw) *Clean elections fund* (s. 25.42);

15 SECTION 75. 25.17 (1) (ys) of the statutes is repealed.

16 SECTION 76. 25.42 of the statutes, as affected by 2001 Wisconsin Act 109, is
17 repealed and recreated to read:

18 25.42 *Clean elections fund.* All moneys deposited with the state treasurer
19 under s. 11.51 (2) and (5) or returned to the state treasurer under s. 11.51 (15) and
20 all moneys transferred to the clean elections fund under s. 20.855 (4) (ba) constitute
21 the clean elections fund.

22 SECTION 77. 71.10 (3) of the statutes, as affected by 2001 Wisconsin Act 109,
23 is repealed.

24 SECTION 78. 2001 Wisconsin Act 109, section 9115 (2y) (b), as last affected by
25 2003 Wisconsin Act 39, section 14, is amended to read:

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1 [2001 Wisconsin Act 109] Section 9115 (2y) (b) Notwithstanding section
2 990.001 (11) of the statutes, if a court finds that any part of the repeal of sections
3 11.01 (12s), 11.05 (3) (o), and 11.265, ~~11.50 (3), and 11.50 (10)~~ of the statutes, the
4 renumbering of sections 11.05 (2r) (title), and 11.24 (2), ~~and 11.50 (1) (a) 1.~~ of the
5 statutes, the renumbering and amendment of sections 11.05 (1), 11.05 (2), 11.05 (2r),
6 ~~11.12 (6), 11.26 (9) (a), 11.31 (2m), 11.50 (1) (a) 2., 11.50 (5), 11.50 (9), and 71.10 (3)~~
7 (a) of the statutes, the amendment of sections 5.02 (13), 5.05 (2), ~~7.08 (2) (e), 7.08 (2)~~
8 (~~em~~), 8.30 (2), ~~8.35 (4) (a) 1. a. and b.,~~ 8.35 (4) (c) and (d), 11.05 (3) (c), 11.05 (5), 11.05
9 (9) (b), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e), 11.06 (2), 11.06 (3) (b)
10 (intro.), 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (b), 11.06 (7m) (c), 11.07 (1),
11 ~~11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.14 (3), 11.16 (2), 11.16~~
12 (~~5~~), 11.19 (title), ~~11.19 (1),~~ 11.20 (1), 11.20 (2), 11.20 (3) (a) and (b), 11.20 (7), 11.20 (8)
13 (intro.), 11.20 (8) (a), 11.20 (9), 11.20 (10) (a), 11.20 (12), 11.21 (2), ~~11.21 (15),~~ 11.21
14 (16), 11.22 (3), 11.23 (1), ~~11.23 (2),~~ 11.26 (1) (intro.), 11.26 (2) (intro.), 11.26 (2) (a),
15 11.26 (3), 11.26 (4), 11.26 (5), 11.26 (6), 11.26 (8), 11.26 (9) (b), ~~11.26 (10),~~ 11.26 (15),
16 ~~11.26 (17) (a), 11.31 (1) (intro.),~~ 11.31 (1) (a) to (d), 11.31 (1) (e) and (f), ~~11.31 (2), 11.31~~
17 (~~2m~~) (title), ~~11.31 (3),~~ 11.38 (1) (a) 2., ~~11.38 (6),~~ 11.38 (8) (b), ~~11.50 (2) (a), 11.50 (2) (b)~~
18 ~~3. and 4., 11.50 (2) (b) 5., 11.50 (2) (e), 11.50 (2) (f), 11.50 (2) (g), 11.50 (2) (h), 11.50~~
19 (~~2~~) (i), ~~11.50 (6), 11.50 (7) (intro.), 11.50 (8), 11.50 (10m), 11.50 (11) (e),~~ 11.60 (4), 11.61
20 (1) (a) (by SECTION 2d), ~~20.510 (1) (e), 25.42,~~ 71.08 (1) (intro.), and 71.10 (3) (b) of the
21 statutes, the repeal and recreation of sections 11.05 (9) (title) ~~and 11.50 (4)~~ of the
22 statutes, the creation of sections 11.001 (2m), ~~11.01 (4m),~~ 11.01 (12w), (13) and (14),
23 11.01 (16) (a) 3., 11.05 (1) (b), 11.05 (2) (b), 11.05 (3) (m), 11.05 (3) (r), 11.06 (1) (~~em~~)
24 ~~and~~ (dm), 11.06 (2m) (b) to (d), 11.06 (11) (bm), 11.12 (6) (am), 11.12 (6) (c) and (d),
25 11.12 (~~8~~) and (9), 11.20 (2s), 11.20 (2t), ~~11.20 (8) (am), 11.24 (1w), 11.24 (4), 11.26 (1m),~~

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SECTION 78

1 ~~11.26 (1t), 11.26 (2) (ae), (am), (as) and (av), 11.26 (2m), 11.26 (2t), 11.26 (8n) (a), 11.26~~
2 ~~(8r), 11.26 (9) (a) 1. to 4., 11.26 (9) (am), 11.26 (9m), 11.26 (10a) (a), 11.31 (1) (de), 11.31~~
3 ~~(2m) (a), 11.31 (3p), 11.31 (9), 11.385, 11.50 (1) (a) 1. (intro.), 11.50 (1) (a) 2m., 11.50~~
4 ~~(1) (am), 11.50 (1) (bm) and (cm), 11.50 (2) (b) 6., 11.50 (2) (j), 11.50 (2m), 11.50 (2s),~~
5 ~~11.50 (2w), 11.50 (9) (b), 11.50 (14), 11.60 (3r), 71.07 (6s), 71.10 (3) (ac), 71.10 (3) (d),~~
6 ~~71.10 (4) (gw), and 806.04 (11m) of the statutes or SECTIONS 9115 (2v), (2x), and (2y),~~
7 ~~9132 (4v), 9215 (3v), 9244 (6v), 9315 (2v) and (2w), and 9344 (2v) of this act is~~
8 ~~unconstitutional, the treatment of those provisions by this act is void.~~

9 **SECTION 79. Nonstatutory provisions.**

10 (1) Notwithstanding section 990.001 (11) of the statutes, if a court finds that
11 the renumbering and amendment of section 11.26 (9) (a) (by SECTION 43) of the
12 statutes or the repeal and recreation of section 11.07 (5), 11.12 (2) or (6) (a) (by
13 SECTION 25), 11.16 (2) or (5) (by SECTION 30), 11.19 (1), 11.23 (2), 11.26 (8n) (b), (10a)
14 (b), or (17) (a) (by SECTION 53), or 11.38 (6) of the statutes, as affected by this act, or
15 any part of the laws specified in 2001 Wisconsin Act 109, section 9115 (2y) (b), as
16 affected by this act, is unconstitutional, the renumbering and amendment of section
17 11.26 (9) (a) (by SECTION 43) of the statutes and the repeal and recreation of sections
18 11.07 (5), 11.12 (2) and (6) (a) (by SECTION 25), 11.16 (2) and (5) (by SECTION 30), 11.19
19 (1), 11.23 (2), 11.26 (8n) (b), (10a) (b), and (17) (a) (by SECTION 53), and 11.38 (6) of the
20 statutes by this act are void.

21 **SECTION 80. Initial applicability.**

22 (1) The treatment of sections 11.31 (9) and 11.51 (11) of the statutes first applies
23 to adjustments for the biennium beginning on January 1, 2008.

24 (END)

D - Note

**2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1804/2ins
JTK.....

*CPS: fix spacing after
nos. & letters*

INS 26-12:

2. Lieutenant governor, 750.
3. Attorney general, 1,050.
4. State treasurer, 375.
5. Secretary of state, 375.
6. State superintendent, 375.
7. Justice, 450.

INS 27-3:

- (b) Lieutenant governor, \$12,500.
- (c) Attorney general, \$17,500.
- (d) State treasurer, \$6,250.
- (e) Secretary of state, \$6,250.
- (f) State superintendent, \$6,250.
- (g) Justice, \$7,500.

INS 29-1:

| | | |
|-------------------------|---------|---------|
| 2. Lieutenant governor | 250,000 | 500,000 |
| 3. Attorney general | 350,000 | 700,000 |
| 4. State treasurer | 125,000 | 250,000 |
| 5. Secretary of state | 125,000 | 250,000 |
| 6. State superintendent | 125,000 | 250,000 |

7. Justice

150,000

300,000

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1804/2dn

JTK. *[Signature]*

Date

Representative Pocan:

1. Concerning item 2. of your redraft instructions, in proposed s. 11.51 (7), the draft provides that if a candidate wishes to receive grant payments by means of electronic transfer, the candidate shall include in his or her grant application sufficient information and authorization for the state treasurer to transfer payments directly to the candidate's campaign depository account. As I envisioned, this would work similarly to an authorization that might be included with a mutual fund application. If this is consistent with your intent, no further change is needed in the draft.

2. ^{AD}Your instructions did not indicate the maximum amount of seed money contributions that are permitted to be accepted by candidates for the offices of lieutenant governor, attorney general, state treasurer, secretary of state, state superintendent, and justice. This draft includes in proposed s. 11.51 (3) [✓]maximum amounts of seed money contributions that may be accepted by candidates for these offices which correspond proportionately to the [✓]grants that are payable to candidates for these offices under proposed s. 11.51 (10) (a). ^{AD}Substitute different figures if you wish.

X
X
X

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1804/2dn
JTK:kjf:pg

January 12, 2004

Representative Pocan:

1. Concerning item 2. of your redraft instructions, in proposed s. 11.51 (7), the draft provides that if a candidate wishes to receive grant payments by means of electronic transfer, the candidate shall include in his or her grant application sufficient information and authorization for the state treasurer to transfer payments directly to the candidate's campaign depository account. As I envisioned, this would work similarly to an authorization that might be included with a mutual fund application. If this is consistent with your intent, no further change is needed in the draft.
2. Your instructions did not indicate the maximum amount of seed money contributions that are permitted to be accepted by candidates for the offices of lieutenant governor, attorney general, state treasurer, secretary of state, state superintendent, and justice. This draft includes in proposed s. 11.51 (3) maximum amounts of seed money contributions that may be accepted by candidates for these offices which correspond proportionately to the grants that are payable to candidates for these offices under proposed s. 11.51 (10) (a). Substitute different figures if you wish.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

Kuesel, Jeffery

From: Wavrunek, Glenn
Sent: Monday, January 26, 2004 9:41 AM
To: Kuesel, Jeffery
Subject: small changes needed on 1804/2

Jeffery -

Was wondering if you could plug-in the following funding level changes to the 100% Public Financing Bill in the State Senate and State Assembly races, LRB1804/2 (changes are in yellow). Also, we were wondering if we could get the changes by the end of the day today ... is that possible??? Thanks,

Glenn Wavrunek
Office of Rep. Mark Pocan



Changes for
funding levels in ...

| Race | 100% Grant & Limit | | Total Number of \$5 Contributions | Total Amount of \$5 Contributions | Seed Money Limit |
|-----------------------|--------------------|------------------------------------|--------------------------------------|--------------------------------------|---------------------|
| Governor | General Primary | \$ 2,000,000.00 \$ 1,000,000.00 | 3000 | \$ 15,000.00 | \$ 50,000.00 |
| Lt. Governor | General Primary | \$ 500,000.00 \$ 250,000.00 | 750 | \$ 3,750.00 | \$ 12,500.00 |
| AG | General Primary | \$ 700,000.00 \$ 350,000.00 | 1050 | \$ 5,250.00 | \$ 17,500.00 |
| Treasurer | General Primary | \$ 250,000.00 \$ 125,000.00 | 375 | \$ 1,875.00 | \$ 6,250.00 |
| Secretary of State | General Primary | \$ 250,000.00 \$ 125,000.00 | 375 | \$ 1,875.00 | \$ 6,250.00 |
| DPI Superintendent | General Primary | \$ 250,000.00 \$ 125,000.00 | 375 | \$ 1,875.00 | \$ 6,250.00 |
| Supreme Court Justice | General Primary | \$ 300,000.00 \$ 150,000.00 | 450 | \$ 2,250.00 | \$ 7,500.00 |
| State Senate | General Primary | \$ 100,000.00 | 150 | \$ 750.00 | \$ 2,500.00 |
| | | \$ 50,000.00 | | | |
| | | | | | |
| State Assembly | General Primary | \$ 50,000.00 | 100 | \$ 500.00 | \$ 1,500.00 |
| | | \$ 25,000.00 | | | |
| | | | | | |

NOTE: change needs to be made in /3 version.